



IFW

PATENT

Attorney Docket No. 33532/US

Dorsey File No. 467167-00015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CUMMINGS et al.

Serial No.: 10/760,139

Filing Date: January 16, 2004

For: *Dielectrophoresis Device and Method
Having Non-Uniform Arrays for
Manipulating Particles*

Examiner: To Be Assigned

Art Unit: 1753

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on:

Date: June 3, 2004

Signed: Careyna Peralta
Careyna Peralta

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying Form PTO/SB/8A-B, Substitute for form PTO 1449. In accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed. Copies of all other references are enclosed.

None of the foregoing references is believed to disclose the invention as claimed.
Nothing herein shall constitute an admission concerning the contents of any of the cited

Serial No.: 10/760,139
Filing Date: January 16, 2004

references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

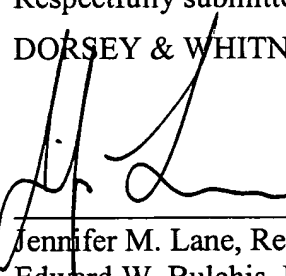
While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 467167-00015 (33532/US)).

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 3 June 2004
Dorsey & Whitney LLP
Intellectual Property Department
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

BY:


Jennifer M. Lane, Reg. No. 51,916 for
Edward W. Bulchis, Reg. No. 26,847

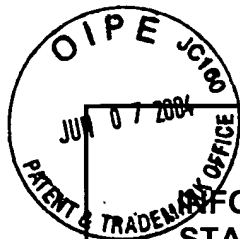
Customer Number: 32940

Serial No.: 10/760,139
Filing Date: January 16, 2004

Attachments:

Form PTO/SB/8A-B, Substitute for form PTO 1449
Four (4) references





Substitute for form 1449A/PTO
(Modified)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	10/760,139
Filing Date	January 16, 2004
First Named Inventor	Cummings et al.
Art Unit	1753
Examiner Name	To Be Assigned
Attorney Docket Number	33532/US

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	5,858,192	01-12-1999	Becker et al.	
	A2	6,071,394	06-06-2000	Cheng et al.	
	A3	6,264,815 B1	07-24-2001	Pethig et al.	
	A4	6,310,309 B1	10-30-2001	Ager et al.	
	A5	6,596,143 B1	07-22-2003	Wang et al.	
	A6	2002/0175079 A1	11-28-2002	Christel et al.	
	A7	2003/0010637 A1	01-16-2003	Cummings	
	A8	2004/0026250 A1	02-12-2004	Cummings et al.	
	A9				
	A10				

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code ² Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B1					
	B2					

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C1	FIECHTNER et al., "Faceted Design of Channels for Low-Dispersion Electrokinetic Flows in Microfluidic Systems", Analytical Chemistry, 2003, 75(18):4747-4755.	
	C2	HUANG et al., "Introducing Dielectrophoresis as a New Force Field for Field-Flow Fractionation", Biophysical Journal, August 1997, 73:1118-1129.	
	C3	POHL, "The Motion and Precipitation of Suspensoids in Divergent Electric Fields", Journal of Applied Physics, July 1951, 22(7):869-871.	
	C4	YANG et al., "Cell Separation on Microfabricated Electrodes Using Dielectrophoretic/Gravitational Field-Flow Fractionation", Anal. Chem., 1999, 71:911-918.	
	C5		
	C6		
	C7		

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2